

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

McAIRLAIDS, INC., )  
                          )  
                          )  
Plaintiff/          )  
Counter-Defendant, )  
                          )  
                          )  
v.                    ) Civil Action No. 7:12-CV-00578  
                          )  
                          )  
KIMBERLY-CLARK          )  
CORPORATION,          )  
                          )  
KIMBERLY-CLARK          )  
WORLDWIDE, INC., and  )  
                          )  
KIMBERLY-CLARK          )  
GLOBAL SALES, LLC,    )  
                          )  
                          )  
Defendants/          )  
Counter-Plaintiffs.  )

**MOTION OF KIMBERLY-CLARK  
FOR SUMMARY JUDGMENT ON THE DEFENSE OF FUNCTIONALITY  
AND COUNTERCLAIM FOR CANCELLATION**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Kimberly-Clark Corp., Kimberly-Clark Worldwide, Inc., and Kimberly-Clark Global Sales, LLC (collectively, “Kimberly-Clark”), hereby move the Court for an order granting summary judgment in Kimberly-Clark’s favor on (a) the affirmative defense of functionality, and (b) Kimberly-Clark’s counterclaim for cancellation of McAirlaids’s federal trademark registration no. 4,104,123. In support of its Motion, Kimberly-Clark submits the accompanying Memorandum in Support of Its Motion for Summary Judgment.<sup>1</sup>

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<sup>1</sup> Because Kimberly-Clark’s supporting memorandum contains information designated as “Confidential” or “Attorneys’ Eyes Only” pursuant to the Protective Order entered February 26, 2013 (D.I. 22), Kimberly-Clark is also filing with the Court a motion to file its supporting memorandum under seal.

Dated: June 14, 2013

/s/ Andrew G. Klevorn

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Kimberly-Clark's Motion for Summary Judgment on the Defense of Functionality and Counterclaim for Cancellation* was filed through the Court's CM/ECF system, which will send electronic notice to all attorneys of record, this 14th day of June, 2013:

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